

REMARKS

The Office Action of January 25, 2008 has been received and its contents carefully considered.

The rejection of claim 1 for anticipation by US patent 6,310,542 to Gehlot is respectfully traversed for the reasons discussed below.

Claim 1 recites a “vehicle controller” and a “predetermined data storage.” The Office Action characterizes Gehlot’s Vehicle Data Processing unit 3 as the “vehicle controller” of claim 1, and Gehlot’s storage 7 as the “predetermined data storage.” Applicants respectfully disagree. A person is ordinarily skilled in this art would be aware of the terminology employed in the art, and would consider a “vehicle controller” to be a data processing apparatus having its own internal memory. The discussion of the vehicle controller 2 that is shown in Figure 7 of the present application (in the middle paragraph of page 2 of the application, in the “Background Art” section), indicates that the vehicle controller receives detection signals from the vehicle, receives operating signals from the driver, and generates control signals from them to operate the vehicle. The vehicle controller 2 clearly does the work of a complete data processing apparatus. It might be appropriate to characterize Gehlot’s Vehicle Data Processing unit 3 and his storage 7 together as the “vehicle controller” of claim 1, but not Gehlot’s unit 3 alone. But since Gehlot’s unit 3 and his storage 7 are both needed for the “vehicle controller” of claim 1, Gehlot is missing the “predetermined data storage” of claim 1.

Claim 1 also provides that the “predetermined data storage” stores “predetermined data selected from data appearing in the vehicle controller.” The Office Action comments generally that Gehlot’s storage 7 appears to store all collected data, and storing all collected data can be interpreted as a predetermined selection. Applicants respectfully disagree. The work “selected”

carries with it an inference of picking-out, or purposely choosing from among everything available. For example, the statement that "Mrs. Smith selected jewelry from her jewelry box and wore it to the party" would not be understood as meaning that Mrs. Smith wore all the jewelry that was present in her jewelry box.

Claim 1 also recites "a removable memory," and "a data collection controller that receives the predetermined data from the predetermined data storage, the data collection controller including at least a code entry section for entering desired data in code, and a download section for downloading data entered in code and data in the predetermined data storage into the removable memory." The Office Action characterizes Gehlot's input/output devices 5, one of which is a card reader/writer that communicates with information cards, as the "data collection controller" of claim 1. The Office Action takes the position that Gehlot's card reader "receives an encoded information card (code entry)."

It is respectfully submitted, though, that Gehlot's card reader is simply an input/output device and cannot be considered to be a "controller." Perhaps Gehlot's card reader has the "download section" portion of the "data collection controller" of claim 1, since Gehlot's card reader can transfer data to and from his information cards, but the "code entry section" portion of the "data collection controller" of claim 1 is missing. Even if receiving encoded information from Gehlot's information cards is considered to be "code entry," such "code entry" would be conducted by the "download section." That is, it is respectfully submitted that Gehlot's card reader/writer does not have both the "download section" and the "code entry section" of the "data collection controller" of claim 1.

It is also noted that Gehlot's card reader 58 can convey data from information cards to Gehlot's processor 3 (see, for example, Gehlot's Figure 2). However, a true "vehicle controller" would never need data from a removable memory.

For these reasons, it is respectfully submitted that the invention defined by independent claim 1 is patentable over Gehlot. The remaining claims depend from claim 1 and recite additional limitations to further define the invention, so they are automatically patentable along with claim 1. Nevertheless, several of the dependent claims will now be briefly addressed.

Claim 4 provides that “a plurality of data is entered in code.” In Gehlot, different kinds of information cards can be read or written-into by a card reader/writer. However, this is not the same as inputting plural kinds of data using a “code entry section.”

Claim 11 provides that “data pertaining to a given parameter of vehicle operation is stored in the predetermined data storage by a frequency-accumulation-type data recording method, in which possible values for the given parameter are divided into ranges, actual values for the given parameter are detected at predetermined time intervals, and every time an actual value that lies within one of the ranges is detected, a count value corresponding to said one of the ranges is incremented.” The Office Action relies of US patent 6,438, 472 to Tano et al (hereafter simply “Tano”) for this. However, Tano uses count detection to calculate the average speed of the vehicle, and not to record the speed in different ranges.

Claim 16 recites that the code entry section of the data collection controller “comprises at least one manually operable button for entering the desired data in code.” The Office Action acknowledges that Gehlot does not disclose a manual button for entering desired data in code, but comments that the reference discloses a keyboard and this can be interpreted as an entry section for entering desired data in code. However, Gehlot’s keyboard (see Figure 4 of the reference) is an input device for the processing unit 3, and is independent of Gehlot’s card reader. What claims 1 and 16 together require is that a data collection controller has a download section and at least one manually operable button for entering desired data in code. Neither Gehlot’s card

reader/writer nor his keyboard can be interpreted as the "data collection controller" that is defined by claims 1 and 16 together.

For the foregoing reasons it is respectfully submitted that this application is in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



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